

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES HALL,)	
)	
Plaintiff,)	
)	
v.)	Civ. Action No. 04-1328-GMS
)	
DAVID HOLMAN, et al.,)	
)	
Defendants.)	

ORDER

WHEREAS, the plaintiff, James Hall ("Hall"), was a prisoner incarcerated at the Delaware Correctional Center, Smyrna, Wilmington, Delaware at the time he filed this 42 U.S.C. § 1983 action, along with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915;

WHEREAS, on July 19, 2005, the court entered an order granting Hall leave to proceed *in forma pauperis*, assessing a filing fee of \$250 and requiring Hall to pay an initial partial filing fee of \$1.67 (D.I. 6);

WHEREAS, Hall has paid a total of \$1.67 towards the \$250 filing fee owed;

WHEREAS, on July 31, 2006, the court received correspondence from Hall that indicated he had been released from prison and that provided the court with a new address (D.I. 42);

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. *Robbins v. Switzer*, 104 F.3d 895, 899 (7th Cir. 1997); *see also Drayer v. Attorney General*, Nos. 03-2517, 03-2518, 81 Fed.Appx. 429 (3d. Cir. 2003).

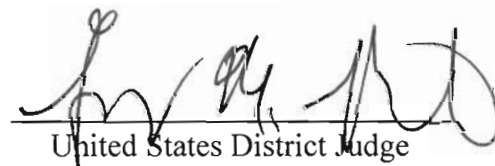
THEREFORE, at Wilmington this 10th day of May, 2007, IT IS

HEREBY ORDERED that:

1. Within thirty days from the date of this order, Hall shall either pay the balance of the filing fee owed (\$248.33) **or** submit a new standard form application to proceed without prepayment of fees and affidavit so that the court may determine whether he is still eligible to proceed *in forma pauperis*.

2. The clerk of the court is directed to send a copy of this order and an *in forma pauperis* application to Hall at the address listed on the docket sheet, and also to the following address provided by the defendants: 10904 Hidden Creek Court, Ft. Washington, MD 20744.

NOTE: Failure to timely comply with this order may result in dismissal of this case without prejudice.



United States District Judge

